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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,626	09/30/2003	Ronald P. Knockeart	2003P13043US / 09650-0050	6072

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
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EXAMINER

ISSING, GREGORY C

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,626

Applicant(s)

KNOCKEART ET AL.

Examiner

Gregory C. Issing

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24,25,27 and 39-55 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 24,25,27 and 39-55 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 3662

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 24, 25, 27 and 39-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Mandhyan et al.

The rejection is set forth in the previous Office Action.

Applicants argue that Mandhyan fails to disclose the storage of segments of road map data at the vehicle in which the map includes respective stored speed of at least some of the segments. This argument is not convincing in view of the Mandhyan's statements "the probe computer 118 is provided with (or downloaded . . .) with a stored record of bandwidth patterns for one or all of the routes." The stored record associating the bandwidth patterns to the routes inherently discloses storage of a road map. The speed information must be associated with route map data in order to have any meaning at all. Thus, applicants' remarks that because the probe vehicles run normal routes and only store position and speed of a particular route, that the storage of map data would not be taught or suggested is not convincing. Even if a single route from a start position to a destination position were stored for a vehicle, the route would consist of a plurality of segments, i.e. roads/streets. Mandhyan also discloses the central computer activating selected probe vehicles in order to gather sufficient data for a route (see col. 6, line 60 – col. 7, line 56, for example). Thus, the applicants' argument is not convincing and the rejection is maintained.

3. Claims 25, 27, 45-53 and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Fleck et al (WO 96/29688 or 6,012,012).

4. Applicants argue that Fleck differ from the claimed subject matter since the stored road map data does not include stored speed for at least some of the road segments.

5. The applicants' argument is not convincing. The service center as well as the mobile terminal are capable of definition of the recorded roadway segments (col. 4, line 5 +) and the attributes to be detected, including time, actual travel time, and speed (col. 4, line 12 +). The

Art Unit: 3662

mobile terminal also determines the actual travel time between defined acquisition areas, i.e. defined segments of the roadway, compares the actual travel time to a given travel time and if the given travel time is greatly exceeded, the segment and the actual travel time are coded and transmitted to a central acquisition point (col. 4, line 62 – col. 5, line 2). In order for the comparison of the actual time to a given time, the given time must be associated with the road segment at the mobile terminal. As further shown, the segment and speed transmitted are then associated together, "the speeds . . . are then allocated to the roadway segments," (col. 5, line 1 +). All the traffic information is compiled in an historical database at the central station that assigns the various attributes to respective road segments which may subsequently be communicated to the mobile terminals. Thus, the mobile terminals are taught to be capable of receiving and hence storing the historical databases provided by the central station (col. 7, lines 8-39). Likewise, Fleck et al disclose comparing the vehicle's speed, i.e. the time it takes to go a distance of the road segment, and transmits a notification to the central station when there is a deviation from the given travel time. The central station also issues specific data acquisition instructions to vehicles in particular regions on the basis of historical traffic information (col. 3, lines 7-17 and col. 7, lines 30-39). Thus, the applicants' arguments are not persuasive.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fastenrath (6,061,625) discloses a process for obtaining traffic data using a "floating car" process.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the

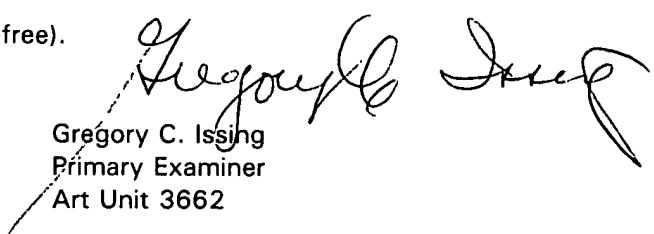
Art Unit: 3662

date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (571)-272-6973. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gregory C. Issing
Primary Examiner
Art Unit 3662

gci